

**REMARKS**

Claims 1-18 are pending in this application. Non-elected claims 1-9 have been withdrawn from consideration by the Examiner. By this Amendment, claims 10 and 12 are amended. Support for the amendments to the claim may be found, for example, in the original claims. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

**I. Election/Restriction**

The Office Action maintains a restriction between Group I (manufacturing apparatus claims 1-9) and Group II (manufacturing process claims 10-18). The Office Action asserts that the manufacturing process and the manufacturing apparatus are patentably distinct. Applicants confirm the election of Group II (manufacturing process claims 10-18) with traverse.

**II. Rejection under 35 U.S.C. §102(e) or §103(a)**

The Office Action rejects claims 10-16 and 18 under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under §103(a) as obvious over U.S. Patent No. 7,042,667 to Loutfy et al. ("Loutfy"). Applicants respectfully traverse the rejection.

Claim 10 is amended in order to clarify that the porous carbonaceous material is charcoal. The claimed manufacturing method is not taught or suggested by Loutfy.

Loutfy does not anticipate claim 10. Loutfy at least does not disclose that the porous carbonaceous material is specifically charcoal. Nowhere does the reference even mention charcoal. Accordingly, Loutfy does not anticipate independent claim 10, or the claims dependent therefrom.

Furthermore, Loutfy nowhere teaches or suggests that the disclosed porous carbonaceous material could or should be specifically charcoal. At most, Loutfy only

discloses the use of solid hydrocarbons such as coal (see Abstract), and mentions that at least one reference teaches that untreated bituminous coal was used (col. 3, lines 35-40). Loutfy then discloses, "In case of coal as the particulate solid carbon source, the best coal for SWNT feedstock is one that has a high fixed carbon content and low volatile component." Col. 3, lines 48-50. Loutfy then discloses specific examples where a low volatile bituminous coal (from Pocahontas, Va.) and a high volatile bituminous coal (from Pittsburgh, Pa.) were used. Col. 9, lines 9-12. Loutfy does not teach or suggest that these carbon sources should instead be charcoal, as required by independent claim 10. In the absence of any such teachings, one of ordinary skill in the art would not have been motivated to substitute the claimed charcoal for the coal disclosed in Loutfy.

Accordingly, claim 10 is not anticipated by and would not have been rendered obvious by Loutfy. Claims 11-16 and 18 variously depend from claim 10 and, thus, also are not anticipated by and would not have been rendered obvious by Loutfy. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

### **III. Rejection under 35 U.S.C. §103(a)**

The Office Action rejects claim 17 under 35 U.S.C. §103(a) over Loutfy in view of Japanese Patent Application No. JP 2002-356316A ("316"). Applicants respectfully traverse the rejection.

For at least the reasons set forth above, Loutfy does not teach or suggest all of the limitations of independent claim 10. '316 is cited merely for its disclosure of the claimed forming step. However, regardless of its asserted teachings, '316 fails to remedy the deficiencies of Loutfy. Therefore, Loutfy and '316, considered either separately or combined, fail to teach or suggest all of the features of claim 10.

Accordingly, claim 10 would not have been rendered obvious by Loutfy and '316. Claim 17 depends from claim 10 and, thus, also would not have been rendered obvious over

Loutfy and '316. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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